

## SECTION .0800 - EXCLUSIONARY RULES

### 15A NCAC 02Q .0801 PURPOSE AND SCOPE

(a) This Section establishes categories of facilities that may be exempt from the requirements of 15A NCAC 02Q .0500, 15A NCAC 02D .1111, or 40 CFR Part 63 by defining their potential emissions to be less than:

- (1) 100 tons per year of each regulated air pollutant;
- (2) 10 tons per year of each hazardous air pollutant; and
- (3) 25 tons per year of all hazardous air pollutants combined;

as determined by criteria set out in each individual source category rule.

(b) A maximum achievable control technology (MACT) standard promulgated pursuant to 40 CFR Part 63 shall be used to determine the applicability of that MACT standard, notwithstanding any exemption established in this Section.

(c) Potential emissions of hazardous air pollutants limited through the procedures of this Section may be used to determine the applicability of specific requirements of 40 CFR Part 63 to a facility.

(d) The owner or operator of a facility or source qualified to be governed pursuant to a rule in this Section who chooses not to be governed pursuant to that rule shall notify the Director in writing that he or she does not want the facility or source to be governed by this Section, and this Section shall no longer apply to that facility or source.

(e) Violations of rate-based emission limits or other applicable requirements shall not be excused by reliance on emission limits or caps set forth in this Section.

(f) An exemption pursuant to this Section from the requirements set forth in 15A NCAC 02Q .0500, 15A NCAC 02D.1111, or 40 CFR Part 63 shall not affect the requirements of 15A NCAC 02Q .0300, Construction and Operation Permit.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;  
Eff. August 1, 1995;  
Amended Eff. April 1, 1999;  
Readopted Eff. April 1, 2018.*